

5.4. Length of the procedure

A delay in initiating an age assessment may restrict access to services which are essential to a child's wellbeing, including education, age-appropriate reception conditions, counselling, the appointment of a representative and other fundamental protections. Likewise, prolonged age determination procedures may obstruct related processes, such as the examination of an application for international protection or family tracing, and contribute to uncertainty and instability, factors that are particularly harmful for unaccompanied minors.

The Pact on Migration and Asylum significantly expands the provisions on age assessments and places strong emphasis on the authority's diligence in ensuring safeguards for applicants claiming to be minors. These safeguards include an early assessment of special needs, the prompt appointment of a representative and ensuring their access to education as soon as possible.

Although the Pact does not set specific time limits for age assessments, a duty of diligence can be drawn from the principles of good administration in Article 41 of the EU Charter and from the best interests of the child in Article 24(2). The best interests of the child are also embedded in the Screening Regulation (Article 13), the amended RCD (Article 26), the APR (Article 22) and the AMMR (Article 23). In its Dublin case law, for instance, the CJEU (C-648/11, 6 June 2013, paras 55-60) has interpreted this principle as requiring authorities to ensure that procedures involving unaccompanied minors do not take longer than strictly necessary, given their particular vulnerability. The duration of age assessment processes has also been addressed in ECtHR and CRC jurisprudence:

- The absence of specific, common timeframes has led case law to adopt a substantive approach in assessing whether there have been undue delays in age determination. The ECtHR has generally focused on whether the authorities acted with sufficient diligence and whether the procedure was completed within a reasonable time given the circumstances of the case.
- The CRC Committee has taken judicial review into account in its assessment of the length of the procedure.

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